

**IN SUPPORT OF HB 1468  
Testimony (Submitted via Email)**

- Testifier's name with position/title and organization;
- The Committee the comments are directed to;
- The date and time of the hearing;
- Measure number; and
- The number of copies the Committee is requesting.

**TESTIFIER'S NAME:** Harold B. Alejandro

**TITLE (Military):** Retired Veteran, USAF / US Army  
Iraqi and Enduring Freedom

**TITLE (Civilian):** Civil Engineer  
State of Hawaii, Dept. of Education

**ADDRESS:** 91-336 Hoowalea Place  
Ewa Beach, Hawaii 96706

**HEARING DATE:** 2 February 2011, Wednesday

**TIME:** 8:30 am

**MEASURE:** House Bill 1468  
Flag of the United States and Hawaii; display.

**DESCRIPTION:** *Provides that planned community associations may not prohibit members from displaying the United States or Hawaii flag. Permits reasonable time, place, and manner restrictions on flag displays but prohibits assessment of a fee to approve the display.*

**No. of COPIES Committee is Requesting:** 14  
Legislative Committee on HOUSING, State of Hawaii

**HONORABLE REP RIDA CABANILLA (Ma'am)**

**And Honored Representatives on the Legislative Committee on Housing:**

First of all, as stated in my previous public testimonies, I would like to Thank Gentry Homes for providing me and my family affordable and well built homes since 1997. Secondly, I again would like to thank Rep. Kymberly Pine (Ewa Beach / Iroquois Pt.) and her staff for their tireless efforts in serving our Community and in supporting this bill. Lastly, I would like to Thank my fellow Veterans and Comrades of the Veteran of Foreign Wars Post 970 and neighbors (on Hoowalea Place and Hoowalea Way, Ewa Beach) for their continued support of our efforts and for supporting my family and me through this process. Lastly, I would like to THANK Committee Chair Rep. Rida Cabanilla and the Housing Committee for allowing me the time to express my testimony for the subject measure.

Please find my testimony **IN FULL SUPPORT** of House Bill 1468 allowing for and encouraging the proper display of our Nation's Flag (Old Glory) and the flag of the State of Hawaii, while thereby keeping with the intentions and spirit of the **Freedom to Display the American Flag Act of 2005 (Public Law 109-243)**, yet removing **"unreasonable" restrictions, fines and fees allowing for the respectful display thereof.**

REALITY CHECK:

Some 3-4 thousand homeowners within the Planned Community Association (PCA) of Ocean Pointe, located in Ewa Beach, are not permitted to erect any type of flagpole that is not attached to the house- regardless where the pole is displayed. Flags that are permitted are to be displayed on limited prescribed days (in some Assn, only 6-8 days) thus limiting the display from being exercised as the homeowner deems fit. Other Assns adopted rules stating that *"no flagpoles shall be erected so as to be visible from the neighboring property or street unless the size and location thereof has been approved by the Design Committee."* The subject rule, rather than encourages flag display, **DISCOURAGES** the homeowners the right to display the flag unless they go through a mandated, no guarantee, Design Review Process. In most cases, a "Design Request Form" must accompany the request to even display a simple 3ft x 5ft lean-to flag on a metal pole approximately 5ft in length while being assessed a \$100.00 fine/redesign review fee along with the request application for approval. Some homeowners reported a design fee of up to \$200 just to seek approval to respectfully display Old Glory. Is this reasonable? Absolutely NOT.

Senate Concurrent Resolution, SCR 218:

Last year (2010) the State Senate passed a Senate Concurrent Resolution, SCR 218. Although **well intentioned**, the effect of a Resolution does NOT hold Planned Community Associations (Assn) accountable in complying with the right to allow me, my neighbors, my fellow Veteran Colleagues the right to respectfully display our Nation's Flag, OLD GLORY, with the same impact and enforcement as a Law. Currently, many of us have experienced "UNREASONABLE" and "ONEROUS" Restrictions, Citations, Fines and Fees, and were directed to endure approval processes **discouraging** rather than encouraging the "respectful" display of Old Glory to the level it is due, in violation of the Federal Freedom to Display the American Flag Act of 2005.

WHY IS THIS BILL SO IMPORTANT TO US VETERANS?

I and many other Veterans took an OATH to PROTECT and DEFEND this Country, to which Old Glory (our Nation's Flag) represents. Having lost two of our fellow AF Airmen in January 2006 from an IED explosion in Iraq, later sitting through a "missing man" memorial while the sounds of bagpipes play Amazing Grace through the Chapel, and as we watch our Chief call-out the Row Call knowing two comrades will never answer. This was my first, firsthand experience of what Sacrifice is all about so I dare not let their memory die, as well as the many countless others who fought, continue to fight, and sacrifice in defense of this Great Country. Displaying and respectfully flying good OLE GLORY is the least we can do to insure their sacrifice was not in vain but cherished and honored by a grateful nation.

President Calvin Coolidge said it nicely on the importance of our Nation's Flag:  
*"... We identify the flag with almost everything we hold dear on earth. It represents our peace and security, our civil and political liberty, our freedom of religious worship, our family, our friends, and our home. We see it in great multitude of blessings, of rights and privileges that make up our country. But when we look at our flag and behold it emblazoned with all our rights, we must remember that it is equally a symbol of our duties. (For) Every glory that we associate with it is the result of the duty done" ...* thru the sacrifices made by others past and present.

Therefore, I and my family humbly request that your committee consider passing this bill. To some it is a political statement but to my family and me, along with my fellow veterans...it is but a small gesture, and my duty as well as yours, in honoring our Veterans, their families, and their love ones' sacrifice for the Freedom we all share to enjoy today. It is a GIFT that is to always be cherished and not taken for granted while living in this GREATEST COUNTRY ever bestowed to man...The UNITED STATES OF AMERICA.

May GOD Bless OUR TROOPS and SERVICEMEMBERS and may GOD Bless you all and Thank You all for your time and service to our State.

With Deep Respect,

Harold Alejandro  
Retired Veteran, Iraqi and Enduring Freedom  
Ewa Beach, Hawaii



TYPE OF FLAG AND FLAG POLE WE REQUESTED TO POST AT OUR HOME OF RESIDENCY. (Photo Courtesy of Deborah Alejandro Harding and LTC Lewis Harding, USAF of Rocklin, CA. Authorization given to use their image 2/23/10)



**From:** Bird, Randy M. SPAWAR 352, 5, 552 [randy.bird@navy.mil]  
**Sent:** Monday, February 22, 2010 1:41 PM  
**To:** HSGtestimony  
**Subject:** FLAG BILL HEARING SCHEDULED FOR WEDNESDAY @ 9:10 A.M. ON 2/24/2010

Dear Rep. Kymberly Pine

As a American and a Veteran of 20 Years Active Duty Navy and still serving America as a government Employee for the Navy. I find it outrageous that and Planned Community or a Community Association would have any say or right to tell Americans they cannot Fly the American Flag.

What right does any Community Project or Association have to tell me that I cant have a Flag Pole and Fly The American Flag on my own property. The answer is NONE, I will say that again NONE.

If they these Planned Community Project leaders want to tell people that they cannot have Flag Poles and Fly The American Flag, they can build the Project outside the United States of America.

I live in Upper Makakilo and have a Flag Pole that Fly's the American Flag currently and I always will, I also Fly the Hawaii State Flag for the same reason "Pride" that I live in Hawaii.

I would testify in person but I am afraid I would not be able to hold my anger.

Mahalo  
A Very Proud American and Navy Veteran.  
V/R  
Randy

---

**From:** David H. Smith [dhsmith123@yahoo.com]  
**Sent:** Monday, January 31, 2011 1:03 PM  
**To:** HSGtestimony  
**Cc:** Rep. Rida Cabanilla; kpine@capitol.hawaii.gov  
**Subject:** HB 1468

I am writing in support of HB 1468, we should reflect the federal law and not allow this state to continue to create it's own laws and agendas.

I am not sure if some of our politicians are losing site of how this country was built and how our forefathers laid the foundation, and instead are looking at the \$\$\$ that are coming toward many of them through lobbyists and special interest groups.

This country was established on Biblical foundations that helped develop our culture, our responsibilities, and established moral boundaries. Whether you believe in the Bible or not, it establishes what use to be considered, right and wrong. Well, we have all but wiped out most of this for the sake of \$\$\$ and special interest groups claiming discrimination and the like. And yet we wonder why our country is so far in the hole, have few if any moral boundaries, and raising up a generation that no longer understands or respects the cultures, their parents, the kapuna, or their fellow man.

It has been made easier to walk away from our debt, responsibilities, families, and religious backgrounds. For the sake of being alike and being equal, when in fact it has nothing to do with that. Now we are taking away a representation of honor and glory of all those who lost their lives fighting for the values that we keep selling off to the highest bidder.

Our flag is one of the last things we have not compromised from our forefathers. You will NEVER please everyone, so stop trying to please the 1/2 of a percent that are crying about everything...for the sake of equality... PLEASE!!!

Take a stand on what this country was built on. We are on a very slippery slope right now with our morality in this country. Soon we will resemble many of the European countries and anything goes and our morality and honor are out the door.

And if you are reading this thinking that someone is off track, then I challenge you to stop for 30 minutes and seriously take a look at how this country has changed in the past 5-10-20 years and tell me we are better off now. Our grandparents and parents are turning over in their graves on how we no longer have any boundaries and morality left in this country.

Thank you for being able to share and please...take my challenge...slow down and look at the bigger picture and stop being so short sighted with our special interest groups and their cry...

David Smith

---

**From:** Rep. Rida Cabanilla  
**Sent:** Monday, January 31, 2011 7:46 AM  
**To:** 'Jim Bell'  
**Cc:** Rep. Kymberly Pine; HSGtestimony; chong1 - Aisha  
**Subject:** FW: Testimony in Support of HB 1468  
**Attachments:** Support for HB1468.docx

Aloha Mr. Bell,

I am forwarding your testimony in support of HB 1468 to our Housing Committee Clerk so that they may incorporate your testimony into the packets that the HSG members will receive prior to the hearing. Thank you for your input.

*Jaco Gallardo*

**Office Manager**

**State Representative Rida Cabanilla**

*Hawaii State House of Representatives*

Hawaii State Capitol, Room 442

415 S. Beretania Street Honolulu, HI 96813

Phone: (808) 586-6080 Fax: (808) 586-6081

[www.capitol.hawaii.gov](http://www.capitol.hawaii.gov) [repcabanilla@capitol.hawaii.gov](mailto:repcabanilla@capitol.hawaii.gov)

---

**From:** Jim Bell [mailto:chiefbell@hotmail.com]  
**Sent:** Monday, January 31, 2011 3:16 AM  
**To:** Rep. Rida Cabanilla; Rep. Kymberly Pine  
**Subject:** Testimony in Support of HB 1468

Representative Cabanilla and Representative Pine,

Attached is my written testimony in support of HB1468. Please ensure it is read at the hearing as I am living in Seoul, Korea and will not be able to be present.

This issue is very important to me and I truly hope it can get passed this year! I will be home in Nov 2011.

Thank you for your support!

Aloha,  
Jim

**There is no such thing as "government money", its "ALL" taxpayer money.**

---

**From:** Tom Berg [edsunrise@aol.com]  
**Sent:** Tuesday, February 01, 2011 8:25 AM  
**To:** HSGtestimony  
**Cc:** Rep. Rida Cabanilla; Rep. Kymberly Pine  
**Subject:** Testimony HB1468 FLAG BILL Feb 2, 8:30am RM325

Testimony: HB1468  
HOUSE CMTE HOUSING  
DATE: February 2, 2011  
TIME: 8:30am  
ROOM 325

Aloha Chair Cabanilla and Members,

I am pleased to read in HB1468, the very language I wrote to rescue and improve HB2311 (last year's bill) for passage today. In this current measure, the very language I provided in testimony last year is being adopted here in this bill- flag to be flown year-round and no fee imposed for doing such. Thank you for adopting my language to save the FLAG BILL and incorporating it into this current measure. I wholeheartedly support HB1468 being passed. MAHALO for this opportunity to testify in support of HB1468.

Tom Berg  
Ewa Beach Resident  
91-203 Hanapouli Circle  
Ewa Beach, Hawaii 96706  
(808) 753-7324

---

**From:** Dan Fullenwider [pioosh@hawaii.rr.com]  
**Sent:** Monday, January 31, 2011 6:23 AM  
**To:** HSGtestimony  
**Subject:** HB 2311

Kim,

I am writing to ask for your favorable vote in support of House Bill 2311.

I am a retired Marine and I feel that any law, regulation, etc. that would ban or even limit our freedom to display the flag of our country 24/7 365 days a year as despicable and against the will of our forefathers and against the will of the people.

Why would someone want to restrict the flying of our flag unless they had a hidden agenda that they wanted to hide from the American people.

I would like to know how many politicians who have voted to restrict the flying of our flag have served in combat and have seen their friends and comrades killed. I feel that the way servicemen and servicewomen were treated after coming back from Vietnam was a dark time in American history. It will be equally as dark a time if our people are unable to display our flag.

I cannot see how we can effectively raise our children to respect their parents; or, our country and those who have sacrificed so much for it; if we permit politicians to stay in power who vote against the will of the people to legally display our flag.

More and more our government wants to rule our lives. By not being able to display our flag we are moving away from democracy and freedom and moving towards a socialist state. This has been the downfall of great countries throughout history.

Thanks,

Dan Fullenwider  
92-964 Hunekai Place  
Kapolei, Hawaii 96707

***Dan Fullenwider***  
***President 2009-2010***  
***Charter Member***  
***Rotary Club of Kapolei***  
***630-8730***  
***[rck@hawaii.rr.com](mailto:rck@hawaii.rr.com)***





---

**From:** Paul E. Major Jr. [paul.major@amarcor.org]  
**Sent:** Monday, January 31, 2011 11:57 AM  
**To:** HSGtestimony  
**Subject:** HB 1468

It is painful to know that so many of our young men and women continue to place their own safety at risk to protect our rights as Americans while individuals claiming citizenship sit upon housing boards and associations which consider our national flag a symbolist eyesore.

Granted there need be regulation set on the size and safety of flag placement. However, to allow our state to be challenged by federal courts following blatant action against our national rights, is a public humility the state must endure. So many people in our nation frown and mock Hawaii as it is. To insult our military and heritage is an act that cannot be stood for.

Paul E. Major Jr.  
USMC-RET CWO  
(808) 271-6507

---

**From:** Rich [cyclone97@earthlink.net]  
**Sent:** Monday, January 31, 2011 9:49 AM  
**To:** Rep. Rida Cabanilla; HSGtestimony  
**Cc:** Rep. Kymberly Pine  
**Subject:** HB 1468 - Bring Hawaii into compliance with the federal Freedom to Display the American Flag Act of 2005

Dear Representative Cabanilla,

As a 24 year veteran of the US Air Force who still works in support of the US Army here in Hawaii, I fully support the passage of HB 1468. I feel all verterans have earned the right to fly the flag of the country they fought for and support that right for all US citizens as well. It's time Hawaii law was brought into compliance with federal law on this issue and I sincerely hope that your fellow legislators feel this way as well. Please do what you can to get this bill passed so that citizens of Hāwāii can enjoy the freedom to fly the flag of their country if they so choose and do so appropriately. Thank you very much for your efforts and for listening to my viewpoint. Mahalo!

**Richard Ashley**  
91-1159 Aawa Dr  
Ewa Beach, HI 96706

---

**From:** creighton.r.kudo@hawaii.gov  
**Sent:** Monday, January 31, 2011 9:14 AM  
**To:** HSGtestimony; Rep. Rida Cabanilla; Rep. Kymberly Pine  
**Subject:** flag bill

Representative Rida Cabanilla:

Please assist in passing HB1468 to allow our veterans and all of our State's citizens to display and fly our country's flag at their homes throughout the year. Our veteran's especially, deserve to remember their fallen brothers and sisters to give them the respect and thanks for their service. Your help in the passage of this bill would be greatly appreciated by our veterans and the people of Hawaii.

Mahalo,

Creighton Kudo

Leasing Branch, Dept of Accounting and General Services  
State of Hawaii

---

**From:** Stan Zitnik [imuwawp@hawaiiantel.net]  
**Sent:** Monday, January 31, 2011 8:40 AM  
**To:** HSGtestimony  
**Subject:** HB1468

Aloha,

I am a resident of Wailuku, Maui and I am submitting testimony in support of House Bill 1468 that would allow citizens to display the flag of the United States and/or the state of Hawaii without restriction or fees regardless of homeowner association rules, regulations or covenants. The passing of this bill will bring Hawaii into compliance with Federal law, the Freedom to Display the American Flag Act of 2005.

Thank you in advance for your support and passing of this bill.

*Stan*  
Stan Zitnik  
Wailuku, Maui  
385-1405  
[szitnik@hawaiiantel.net](mailto:szitnik@hawaiiantel.net)

 please consider the environment before printing this email and any attachments

DISCLAIMER:  
The information transmitted (including attachments, if any) is intended only for the person or entity to which it is addressed and is privileged and confidential material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

---

**From:** Rep. Rida Cabanilla  
**Sent:** Monday, January 31, 2011 7:49 AM  
**To:** 'MauiLaub@aol.com'  
**Cc:** HSGtestimony  
**Subject:** RE: Aloha

Mr. Laub,

Your testimony in support of HB 1468 has been sent to our Housing Committee Clerk. Thank you for your testimony.

*Jaco Gallardo*

**Office Manager**

**State Representative Rida Cabanilla**

*Hawaii State House of Representatives*

Hawaii State Capitol, Room 442

415 S. Beretania Street Honolulu, HI 96813

Phone: (808) 586-6080 Fax: (808) 586-6081

[www.capitol.hawaii.gov](http://www.capitol.hawaii.gov) [repcabanilla@capitol.hawaii.gov](mailto:repcabanilla@capitol.hawaii.gov)

---

**From:** MauiLaub@aol.com [mailto:MauiLaub@aol.com]  
**Sent:** Sunday, January 30, 2011 10:27 PM  
**To:** Rep. Rida Cabanilla; Rep. Mele Carroll; Sen. J. Kalani English; Rep. George Fontaine; Rep. Angus McKelvey; Rep. Joseph Souki; [repyamashita@capitol.hawaii.gov](mailto:repyamashita@capitol.hawaii.gov)  
**Cc:** [laubcorp@aol.com](mailto:laubcorp@aol.com)  
**Subject:** Aloha

The Maui County Veterans Council respectfully requests your assistance in passing HB 1468, Flag Bill. The men and women who served to keep our country free thank you,

Paul Laub  
President  
Maui County Veterans Council



Testimony of James W. Bell, Ocean Pointe Home Owner, Ewa Beach, HI

## **In support of HB1468**

Another year has passed and the State Legislature is still wasting time and the citizens' recourses (tax dollars) struggling with a Statute that would bring the State in line with a Federal mandate. It is truly amazing – how soon our “elected” officials forget how and why they got into office – the tax payers are your “employers”. We put you into those positions with our votes and we pay your salaries with our taxes.

Now let me tell you what it means to me to be able to fly the flag of the United States of America (<http://www.usflag.org/uscode36.html#173>). I am a 30 year veteran having served from 1969 to 1999. I served in Korea, where I currently serve as a Department of the Army civilian, and Japan. I had temporary duty assignments in Germany and Thailand. Nowhere in the world have I found the same National pride where citizens fly their National flags. I am proud to be an American and even more proud of my service to our great Nation. The Flag symbolizes a living FREE country governed by elected officials; it also reminds us of the guiding principles that formed our Nation in 1774-76. From the American militiamen who were the first to give their lives for our fight for freedom at Lexington and Concord, to the brave men and women in today's Armed Forces who could be called on today or tomorrow to give their last breathe for our Nation – these warriors, heroes if you will, deserve our honor and respect. For me that means flying the Flag of the United States of America on my property and not be hamstrung by rules established with no regard for my rights as a citizen of the United States of America.

My wife and I moved into our townhome in Ocean Pointe after I retired. I flew my Flag on a wooden staff about five feet long. I had fastened a PCV pipe to the inside of the fence in my backyard (the pipe was not visible from outside my property). I would place the Flag in the holder after sunrise and proudly render a salute. As daylight ended I would render another salute and remove the Flag. A simple rendering of respect to the Flag and what it means to me.

I was always mindful of the condition of my Flag – whenever it began to fade from the harsh Hawaiian sun, I would replace it. And I never allowed it to become tattered or worn. After the terrorist attacks on American soil, I found it impossible to buy a replacement Flag – Flags were being flown everywhere and I was proud of the people in Hawaii!

Sometime in 2005 or 2006, I received a “Notice” from the “Covenant's enforcer” for the Ocean Pointe community advising me that I could not fly my Flag from a “free standing” flagpole. I was told my Flag had to be flown from a bracket attached near the entrance door, that it had to be on a 45 degree angle with the ground and that it could be no higher than 9 feet to the tip of the Flag. I was given a certain period of time to “comply” or I would be “fined” for violating the covenants. I was shocked and outraged because many other Flags in the surrounding area were being improperly displayed (one was on a long bamboo pole attached to the top of a basketball goal). I sent a

lengthy reply explaining my Flag was not on a permanent flagpole and was really no different that flying it on a bracket at the front door. I also explained what it meant to me to be able to fly our Nation's symbol of freedom, but never heard anything back. So rather than fight, I grudgingly moved my Flag to the front door as "demanded" even though it was no longer visible when we entered and exited our home. Now in retrospect, maybe I should have taken a stand for my rights then and forced the issue.

The flag of the United States of America is an honored treasure for any US Service Member. I have two Flags with significance in my life. The first is the burial Flag that was presented to me during the military rites rendered during my father's funeral. I had it flown over Hickam AFB, the USS Arizona Memorial, and I personally flew it aboard the USS Missouri two days before I retired from active duty. That Flag also flew at my retirement ceremony and it was then presented to me in a very touching ceremony. The second Flag was a gift from the Airmen I served with at Hickam AFB when I retired – it too was flown over the USS Arizona Memorial.

I ask for your favorable consideration of my testimony and support the passage of HB1468 – remember FREEDOM IS NOT FREE!

---

**From:** Libby Galas [libbygalas@yahoo.com]  
**Sent:** Sunday, January 30, 2011 8:47 PM  
**To:** HSGtestimony  
**Subject:** Flag Bill

I am appalled why some folks here go out of their way, to put bills in action such as this one , Because i love my country America, and stand by its principals for justice and to have brotherly love. I yell to the highest mountain for all to hear,

Leave our USA flay flying high all year if we choose to have it displayed. Our yards is a good place to start, don't vote for any politician who would in any way go along with thoes who don't take pride in our flag and who would cause an up roar as to how long our flag should wave.

FROM: Ralph Moore, Korean-Vietnam War Veteran, Pearl City, Hawaii, 96782

TO: The Committee on Housing

SUBJECT: TESTIMONY FOR THE COMMITTEE ON HOUSING HEARING ON THE HOUSE BILL NO. 1468; SCHEDULED FOR 8:30 A.M., WEDNESDAY, FEBRUARY 2, 2011, AT CONFERENCE ROOM 325, STATE CAPITOL, CONFERENCE ROOM 325, 415 SOUTH BERETANIA STREET, HONOLULU, HAWAII

Dear Representative Rida Cabanilla,

I ask you for your total support of House Bill No. 1468, and that of your fellow committee members. This Bill for an Act has been too long in waiting and needs to be passed by majority vote quickly for it represents what all of America military veterans and their family members deserve; the right to proudly and freely fly the American Flag on their homesteads without restrictions, and thus by doing so would permit these veterans, their widows, and their children and all of Hawaii's people to show their continued patriotism for America and its people by allowing their American Flags to be visibly seen by the general public from anywhere along our highways, byways, public and private roads, streets, homes and from hillside vantage points.

My testimony herein asks that you and your committee members think about the many millions of American service members and women who gave their lives protecting our people and upholding the cause of freedom for our great Nation. Our American Flag, Old Glory has been that visible symbol of freedom for over 200 years. Today, we seldom ever see our American flag waving anymore, but when we do, it remains a daily reminder as to why we are so protective of our great Nation, its great people. It may only be made of cloth with stripes of red, white and blue and a blue union field with 50 white stars, but it is beautiful and historical to behold because we know Americas finest warriors have died in many wars to uphold the liberty and freedom of America and its people who cherish their symbol of freedom, the American Flag. For this reason alone, our American and Hawaiian Flags should be seen most worthy of and deserve being flown freely by their owners without restrictions established or controlled by officers of homeowner associations.

Last year, I wrote similar testimony regards the flag Bill, only to see a good number of Hawaii's Legislators showing little to almost no appreciation for the valiant efforts and loss of life by our military veterans in time of war and peacetime. If these Legislators truly did appreciate and respected our veterans' wartime efforts, they would have acted properly and favorably for the veterans, their families and all the citizens of Hawaii; instead our legislators turned their backs against our veteran homeowners and left in place Homeowner Association restrictions against flying the American Flag and the levy of unpatriotic, and ridiculous but costly moneatray fines against homeowners for noncompliance of association rules.

In the above, I had mentioned our flag is a symbol of freedom. I wish to remind our legislators that this freedom, which they enjoy, is not free and never was free; those who have marched off to defend and protect America's citizens, repeatedly spanning more than 200 years, have earned it with much spilled blood and tremendous loss of life. We

know that millions of our citizens have been killed and maimed in all of America's wars, and are still being killed and maimed on foreign soil today for the sake of keeping America safe and protecting your freedom. Yes, that symbol of freedom; our American Flag is everywhere today and worn on the shoulders of today's military personnel, and often seen draped over the caskets of fallen American Heroes. If it was not for veterans like myself, those serving today, and all those who have fallen defending our nation, we would not have that freedom to fly an American Flag, or the freedom to vote people into office as a Hawaii State Representative, Senator, or council member.

Today's retired and active duty citizen soldiers are no different from those standard-bearers who cared for and protected our Nation's flag in wars past. Flying our American flag in the forefront of battle or in memory of those who served our country is a time-honored tradition of a grateful nation. This tradition must never be tread upon by a few politicians who wish not to make waves for fear of offending a few people who do not give complete respect regards flying the American and Hawaiian Flags on their homesteads, and this would include those working for Community Developers, Planned Community Associations and Neighborhood Boards in the State of Hawaii.

I am, and know that my children and grandchildren are proud of my service to my country, their country and your country. They are proud of their grandfathers and great grandfathers who served in WWII, WW1, and the many of our relatives who served before them for the same reason, protecting our freedom, our Nation, and our flag, which expresses freedom, independence, and patriotism.

Hawaii's citizens must be allowed to honor all who served our Nation by flying the American flag on their own homesteads, whether it be from a 25-foot flagpole in the front yard or 15-foot pole attached to a house, condominium, or townhouse. Failure to allow the American Flag(s), to fly freely on a person's homestead is pure disregard toward and disrespect of our military veterans, their families, widows and orphans, as well as impacting on all of Hawaii's citizens. I am hopeful and I pray that this committee, which is hearing HB 1468, will act favorably on it and get all of Hawaii's State Representatives on board to pass it quickly with a recommendation for our State Senators to act in the same manner.

Now that we all come to realize that freedom is not free, let us all start paying tribute to those who have spilled their blood for that old red, white and blue cloth symbol of freedom and honor the words of the Constitution of the United States of America. In doing so, I ask that all of our elected officials to let the State Constitution and its Hawaii Revised Statutes, as appropriate, grant all of Hawaii's citizens the right to freely fly the American Flag on their homesteads on a flagpole befitting of flying it freely in the wind any time of the day and week.

I know this is getting verbose, however I make note that on Memorial Day and Veterans Day, thousands upon thousands of American Flags are posted above each gravesite of a fallen American warrior at our National, State and local cemeteries, for all to see. I ask you, don't you think it is time that Hawaii's government allow all of Hawaii's people to freely fly the American Flag, on their homesteads during any time on any day of the week to honor and pay tribute to our living warriors who are out there somewhere in harms way defending our freedom and our American Flag .



I apologize for some redundancy that may have appeared in this request asking full State House of Representatives support of H.B. No. 1468, however due to circumstances including time limits beyond my control; please accept my words as written herein.

Prepared and submitted this day of 31 January 2011.

Mahalo,

Ralph Moore (Korea – Vietnam War Veteran), 2227 Amokemoke St, Pearl City Hawaii,  
96782

---

**From:** STANLEY FERNANDEZ [sonnyfernan@msn.com]  
**Sent:** Tuesday, February 01, 2011 9:35 PM  
**To:** HSGtestimony; Rep. Rida Cabanilla  
**Subject:** In Support of HB1468, U>S. Flag Bill

TO: Madam Chair, Representative Rida Cabanilla  
Committee on Housing  
Hawaii State House of Representatives

## **Hearing on HB 1468, US Flag Bill**

I am submitting this testimony "**in support**" of passage of HB 1468. No private housing association should ever have the power and authority to deny the flying of the United States of America on the private premise of a homeowner or renter. In addition no association should have the ability to "fine" a homeowner, renter or anyone for flying the flag of our Nation on their property. Many of our military personnel, active, reserve, guard, retired and veterans have put their their lives first and foremost to defend the symbol of our great nation. I am writting this email **in support** to allow our Nation's flag, the sacred symbol of our Free Nation to fly free, without the fear of the person displaying this great symbol to be "financially fined monitarily. Thank you for allowing me to express my support for HB 1468.

Stanley Y. Fernandez, Sr.  
State Senior Vice Commander  
Department of Hawaii  
Veterans of Foreign Wars of the United States of America  
Phone: (808)456-5578 (home)  
(808)256-5988 (cell)  
Email: [sonnyfernan@msn.com](mailto:sonnyfernan@msn.com)

---

**From:** andy araujo [andy.araujo64@gmail.com]  
**Sent:** Tuesday, February 01, 2011 6:05 PM  
**To:** Rep. Rida Cabanilla  
**Cc:** HSGtestimony; andy araujo  
**Subject:** Support for HB1468

I am writing to ask for your favorable vote in support of HB1468.

- The American flag is a symbol of freedom that has cost countless lives and has endured many assaults in this Republic. The men and women of the USA defend our freedom daily just like was done in the days of our Founding Fathers.....To display the American Flag is Freedom of Speech in my opinion.... a symbol of my proud patriotism.
- We should be proud to be an American and display the American Flag on our homes in planned associations just as the federal Freedom to Display the American Flag Act 2005 allows. The American Flag is a beautiful symbol to be proud of and the right to display on our homes (our freedom) should not be prohibited.
- This is the USA and the most basic form to honor this great country is to fly the American Flag....please don't take this freedom away.

Sincerely,  
Andrew and Christine Araujo  
91-1048 Panapanapuhi St  
Ewa Beach, HI 96706

**STANLEY Y. FERNANDEZ, SR.**  
**Vietnam Veteran, United States Air Force (Retired)**  
**2209 Aumakua Street**  
**Pearl City, Hawaii 96782**

**TESTIMONY TO THE**  
**Committee on Housing**

**Relating to Planned Community Associations**

**HB 1468**

**Wednesday, 9 February 2011**  
**8:30 A.M.**  
**Conference Room 325**

**FROM**

**Stanley Y. Fernandez**  
**Vietnam Veteran, United States Air Force**  
**(Retired)**

**TO:**

**Representative Rida T.R. Cabanilla, Chair**  
**Representative Pono Chong, Vice Chair**

**I am submitting testimony IN SUPPORT OF HB 1468.**

**No one in this great nation, the United States of America should be assessed a fine for displaying the flag of our Nation. No association, no community, no city, And no state should allow this to happen. Hawaii must comply with the Federal Freedom to Display the American flag Act of 2005. Too many of our military personnel who have fought, who have incurred disabilities to themselves, and many who have given their ultimate sacrifice for the United States to keep us “free” should not be fined for displaying the “symbol of a Great Nation,” the American flag of our Nation. No person should be fined for displaying their “patriotism” to the United States from their home. May our flag always “fly” freely in this great country. The only restriction should be that the U.S. flag**

**should never be flown at night but if it is, it must be illuminated so that people can see. As a veteran, who have served in Vietnam, participated in Korean Pueblo Crises, and during the Cuban Crises, I urged the members of this committee to pass and support HB 1468. I thank the committee for allowing me to convey my support for HB 1468.**

**STANLEY Y. FERNANDEZ, Sr.**

**Vietnam Veteran, United States Air Force (Retired)**



Testimony in Support of HB 1468

RELATING TO PLANNED COMMUNITY ASSOCIATIONS; FLAG

By  
Brian Isa

To the Committee on Housing

Wednesday, February 2, 2011  
Room 325, 8:30 am  
State Capitol

I support the proposed intent of this bill.

My hope is that this bill aligns the state law with the federal law, Freedom to Display the American Flag Act of 2005, that was signed in to law by President Bush on July 24, 2006. The Act is specific and inclusive of the flag of the United States, and excludes other flags of important significance.

I would like this bill to allow homeowners in condominium associations, cooperative associations, real estate management associations, to have the right to display the flag of the United States (as defined in the federal act).

Should the association (community association, cooperative association, and real estate management association) have objections to individual displays of the flag of the United States, the association should be required to construct a display of the flag of the United States in a central common area that can be viewed by all association members.

Thank you for this opportunity to submit this testimony.

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 07, 2011 10:17 PM  
**To:** HSGtestimony  
**Cc:** emmatsumoto@hotmail.com  
**Subject:** Testimony for HB1468 on 2/9/2011 8:30:00 AM

Testimony for HSG 2/9/2011 8:30:00 AM HB1468

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Eric M. Matsumoto  
Organization: Mililazni Town Association  
Address: 95-303 Kaloapau St. Mililani, HI  
Phone: 282-4324  
E-mail: [emmatsumoto@hotmail.com](mailto:emmatsumoto@hotmail.com)  
Submitted on: 2/7/2011

**Comments:**

The Freedom to Display the American Flag Act of 2005, clearly states the prohibitions against the display of the American flag in condos, co-ops and PCAs. While this bill recognizes the above for American flags, it seeks to include the "Hawaiian flag" in preventing common interest communities from prohibiting displaying these flags while allowing for reasonable restrictions on time, place and manner of display. This bill does not define what constitutes the "Hawaiian flag". However, whether this bill intends for the "Hawaiian flag" to mean the state flag or otherwise, decisions regarding what can or cannot be displayed, other than federally mandated, must be left to each common interest community to decide. This bill, if passed, would create a win-lose situation, where the losers are the 99.9% of the homeowners who choose to abide by the rules they agreed to when purchasing their homes in these common interest communities. Legislative action is not warranted in these kinds of situations where a homeowner decides the rules agreed to does meet his/her desires. Request this bill be deferred.